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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

JENNIFER B. CHIUCHIARELLI,
APRIL H. YAMAICHI,
KIYOMI ISHII, and
RICHARD K. HOPPER on behalf of
themselves and all others situated,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Case No. 3:24-CV-01895-VC

**JOINT STIPULATION TO
SUSPEND THE DEADLINE FOR
DEFENDANT TO RESPOND TO
COMPLAINT**

1 Pursuant to Local Civil Rule 6-1(a), Plaintiffs Jennifer B. Chiuchiarelli, April H. Yamaichi,
2 Kiyomi Ishii, and Richard K. Hopper, on behalf of themselves and others similarly situated
3 (“Plaintiffs”), and Defendant Apple Inc. (“Apple”) by and through their respective counsel, hereby
4 stipulate as follows:

5 WHEREAS, Plaintiffs filed a putative Class Action Complaint (the “Complaint”) on
6 March 27, 2024. ECF No. 1;

7 WHEREAS, Plaintiffs served Apple with process on April 5, 2024;

8 WHEREAS, on March 30, 2024, Plaintiffs in the instant case filed a motion pursuant to 28
9 U.S.C. §1407 before the U.S. Judicial Panel on Multidistrict Litigation (“JPML”) to transfer
10 several cases in which Apple is named as the defendant to the U.S. District Court for the Northern
11 District of California for consolidated pretrial proceedings, captioned *In Re: Apple Inc.*
12 *Smartphone Antitrust Litigation* (“*In re: Apple*”), MDL No. 3113 (“MDL Petition”);

13 WHEREAS, Apple’s deadline to answer, move to dismiss, or otherwise respond to the
14 Complaint in this action is currently April 26, 2024;

15 WHEREAS, Plaintiffs and Apple have conferred and agreed that, in light of the pending
16 MDL Petition, the outcome of which will likely affect the procedural posture of this action, party
17 and judicial efficiency would be best served by suspending the deadline for Apple to answer, move
18 to dismiss, or otherwise respond to the Complaint pending a decision on the MDL Petition;

19 WHEREAS, Plaintiffs and Apple have agreed to meet and confer and file a status report
20 with the Court related to a schedule for the case within fourteen (14) days after the issuance of a
21 decision by the JPML on the MDL Petition, unless the cases at issue in the MDL Petition are
22 consolidated by then;

23 WHEREAS, in making this stipulation, Apple does not waive, in this or any other action,
24 any (i) defenses or arguments for dismissal that may be available under Fed. R. Civ. P. 12; (ii)
25 affirmative defenses under Fed. R. Civ. P. 8, including defenses based on class action waivers; (iii)
26 other statutory or common law defenses that may be available; or (iv) right to seek or oppose any
27 reassignment, transfer, or consolidated alternatives, including to seek arbitration. Apple expressly
28

1 reserves its rights to raise any such defenses (or any other defense) in response to either the
 2 Complaint or any original, amended, or consolidated complaint that may be filed in this or any
 3 other action.

4 THEREFORE, Plaintiffs and Apple stipulate and agree that:

- 5 1. The deadline for Apple to answer, move to dismiss, or otherwise respond to the
 6 Complaint is suspended pending a decision on the MDL Petition;
- 7 2. Apple and Plaintiffs shall meet and confer and file a status report with the Court
 8 related to a schedule for the case within fourteen (14) days after the issuance of
 9 a decision by the JPML on the MDL Petition, unless the cases at issue in the
 10 MDL Petition are consolidated by then; and
- 11 3. In the event that, prior to consolidation, Apple answers, moves to dismiss, or
 12 otherwise files a responsive pleading to any federal proposed class action
 13 complaint listed in the Amended Schedule of Actions with the JPML or in any
 14 further revised amended schedule of actions filed in connection with the MDL
 15 Petition, Apple shall respond within seven days in this action unless otherwise
 16 agreed to by the Parties or otherwise ordered by the Court.

17
 18 STIPULATED to this 24th day of April, 2024.

19
 20 By: /s/ Karin B. Swope
 21 Joseph W. Cotchett (SBN 36324)
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N.D. Cal. Civil Local Rule 5-1 Attestation

I, Cynthia E. Richman, am the ECF User whose credentials were utilized to file this Stipulated Motion to Suspend the Deadline for Defendant to Respond to the Complaint. In accordance with N.D. Cal. Civil Local Rule 5-1(i)(3), I hereby attest that Karin B. Swope concurred in the filing of this document.

DATED this 24th day of April, 2024.

/s/ Cynthia E. Richman

Cynthia Richman

CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All other parties (if any) shall be served in accordance with the Federal Rules of Civil Procedure.

DATED this 24th day of April, 2024.

/s/ Cynthia E. Richman

Cynthia Richman